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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/892,461 | 06/28/2001 | Rikuro Obara | 109946 | 2128 |

25944 7590 09/16/2002

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| EXAMINER |
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WAKS, JOSEPH

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| ART UNIT | PAPER NUMBER |
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2834

DATE MAILED: 09/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,461

Applicant(s)

OBARA, RIKURO

Examiner

Joseph Waks

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-5, and 12-14** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 1-2, "the stator" and line 2, "the flange" lack antecedent basis, examiner suggests --a stator-- and --a flange-- respectively, line 2, "a flange" should be "said flange--", line 2-3, "a stator" should be --said stator--, lines 4-5, "receives a shaft of a rotor inserted through an inner hole, and defines a fluid bearing" is vague and indefinite since it is not clear what receives the shaft and what defines the bearing, lines 5- 6, "an opening in a wall with a hole of the flange body" does not make sense.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 3, 5, 7, 9, and 13** are rejected under 35 U.S.C. 102(b) as being anticipated by **Ando et al. (JP 09303408)**.

Ando et al. disclose in Figures 3-6 and 13 invention as claimed, a motor comprising a flange 11, a sleeve 1 press fitted into a hole formed in the flange body and receiving a shaft 13 in an inner hole, wherein the inner hole and the shaft define the fluid bearing, and a recess 2a for the purpose of restraining the distortion of the internal diameter of the sleeve when press-fitted into the flange.

Re claims 7 and 9, **Ando et al.** disclose the motor structure as claimed. Claim 7 that merely recites connecting and using the disclosed features together are inherent to the disclosed structure.

6. **Claims 6 and 11** are rejected under 35 U.S.C. 102(b) as being anticipated by **Moritan et al. (US 5,822,846)**.

Moritan et al. disclose in Figures 1a-1c invention as claimed, a motor comprising a flange formed of a sleeve 23a having lower bulge and a flange body, wherein the lower bulge supports the stator 24.

Re claim 11, **Moritan et al.** disclose the motor structure as claimed. Claim 11 that merely recites connecting and using the disclosed features together are inherent to the disclosed structure.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2834

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 2, 4, 8, 10, 12, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ando et al. (JP 09303408)**.

Ando et al. disclose the motor essentially as claimed. However, **Ando et al.** do not disclose the recess having an annular shape.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the motor as taught by **Ando et al.** and to provide the recess in the flange inner wall in annular shape for the purpose of simplify the method of making the recess (like by machining for example), since applicant has not disclosed that the annular shape solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with grooved recess or recesses. *In re Span-Deck Inc. v. Fab-Con Inc.*, (CA 8, 1982) 215 USPQ 835.

Re claims 8 and 10, **Ando et al.** disclose the motor structure as claimed. Claim 8 that merely recites connecting and using the disclosed features together are inherent to the disclosed structure.

Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Waks whose telephone number is (703) 308-1676. The examiner can normally be reached on Monday through Thursday 8 am to 5 pm.

Application/Control Number: 09/892,461

Page 5

Art Unit: 2834

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor R Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.


JOSEPH WAKS
PRIMARY PATENT EXAMINER
TC-2800

JW
September 11, 2002